

<i>Table of Forms</i>	<i>iv</i>
<i>Glossary</i>	<i>451</i>

Table of Contents

Chapter 1	Fee vs. leasehold <i>A matter of possession</i>	1
Chapter 2	The tenancies in real estate <i>Know your tenancy or lose time</i>	9
Chapter 3	Landlord's right to enter <i>Conflict with occupant's right to privacy</i>	21
Chapter 4	Tenant leasehold improvements <i>Ownership rights when a tenant vacates</i>	37
Chapter 5	Options and the right of first refusal to buy <i>Tenants with rights to acquire the premises</i>	51
Chapter 6	Property management licensing <i>When is a DRE license required?</i>	61
Chapter 7	Property management agreement <i>Authority to operate a rental property</i>	69
Chapter 8	A property manager's responsibilities <i>An evolving standard of conduct</i>	77
Chapter 9	Resident managers <i>Employees: not independent contractors, not tenants</i>	95
Chapter 10	Identification of property manager or owner <i>Notice to tenant of agent-for-service</i>	107
Chapter 11	Exclusive authorization to lease <i>Leasing agent's bargain for fees</i>	113
Chapter 12	Exclusive authorization to locate space <i>A leasing agent and the commercial tenant</i>	123
Chapter 13	Cost of operating in leased space <i>Disclosures by leasing agents</i>	133

Ownership and Possession

Agency and Property Management

Deposits and Rents

Chapter 14	Security deposits and pre-expiration inspections <i>Cover for a tenant's nonperformance</i>	141
Chapter 15	Residential turnover cost recovery <i>Rent is set to include all operating expenses</i>	155
Chapter 16	Accepting partial rent <i>Residential and commercial landlord rights</i>	167
Chapter 17	Changing terms on a month-to-month tenancy <i>Landlord's notice to tenant</i>	175

Enforcing Rents; Forfeiting Tenancies

Chapter 18	Forfeiture of the lease <i>Lease agreement obligations survive</i>	183
Chapter 19	Surrender cancels the lease agreement <i>Lost ability to recover future rents</i>	195
Chapter 20	Delinquent rent and the three-day notice <i>Pay or forfeit your right of possession</i>	205
Chapter 21	Three-day notices to quit for nonmonetary breaches <i>Curable and incurable nonmonetary breaches</i>	217
Chapter 22	Other amounts due under three-day notices <i>Know what the judge will allow</i>	235
Chapter 23	Notices to vacate <i>Termination of periodic tenancies</i>	245
Chapter 24	Personal property recovered by tenant <i>Reclaim it on notice or lose it</i>	259
Chapter 25	Constructive eviction cancels the lease <i>Interference forces the tenant to vacate</i>	273

Maintenance and Security

Chapter 26	Care and maintenance of property <i>Tenant obligations and remedies</i>	283
Chapter 27	Implied warranty of habitability <i>Safe and sanitary living conditions</i>	297
Chapter 28	Security to prevent crimes <i>Protective measures and warnings</i>	311
Chapter 29	Dangerous on-site and off-site activities <i>Duty to all to remove on-site dangers</i>	317

Chapter 30	Commercial lease agreements <i>The conveyance of a leasehold</i>	329
Chapter 31	Rent provisions in commercial leases <i>Setting the rent</i>	349
Chapter 32	Adjustable rent provisions <i>Economic goals of commercial landlords</i>	357
Chapter 33	Commercial use-maintenance provisions <i>Shifting ownership obligations to tenants</i>	367
Chapter 34	Lease assignments and subleases <i>Consent conditioned on exactions</i>	381
Chapter 35	Residential rental and lease agreements <i>A review of periodic vs. fixed-term tenancies</i>	393
Chapter 36	Civil rights and fair housing laws <i>Property rights and an individual's status</i>	403
Chapter 37	Residential rent control <i>Police power and rent control</i>	421
Chapter 38	Attornment clauses in commercial leases <i>Altering priorities for lenders</i>	429
Chapter 39	Due-on leasing regulations <i>Rising interest rates bring lender interference</i>	443

Commercial Lease Provisions

Residential Leases and Rental Agreements

Lender Considerations